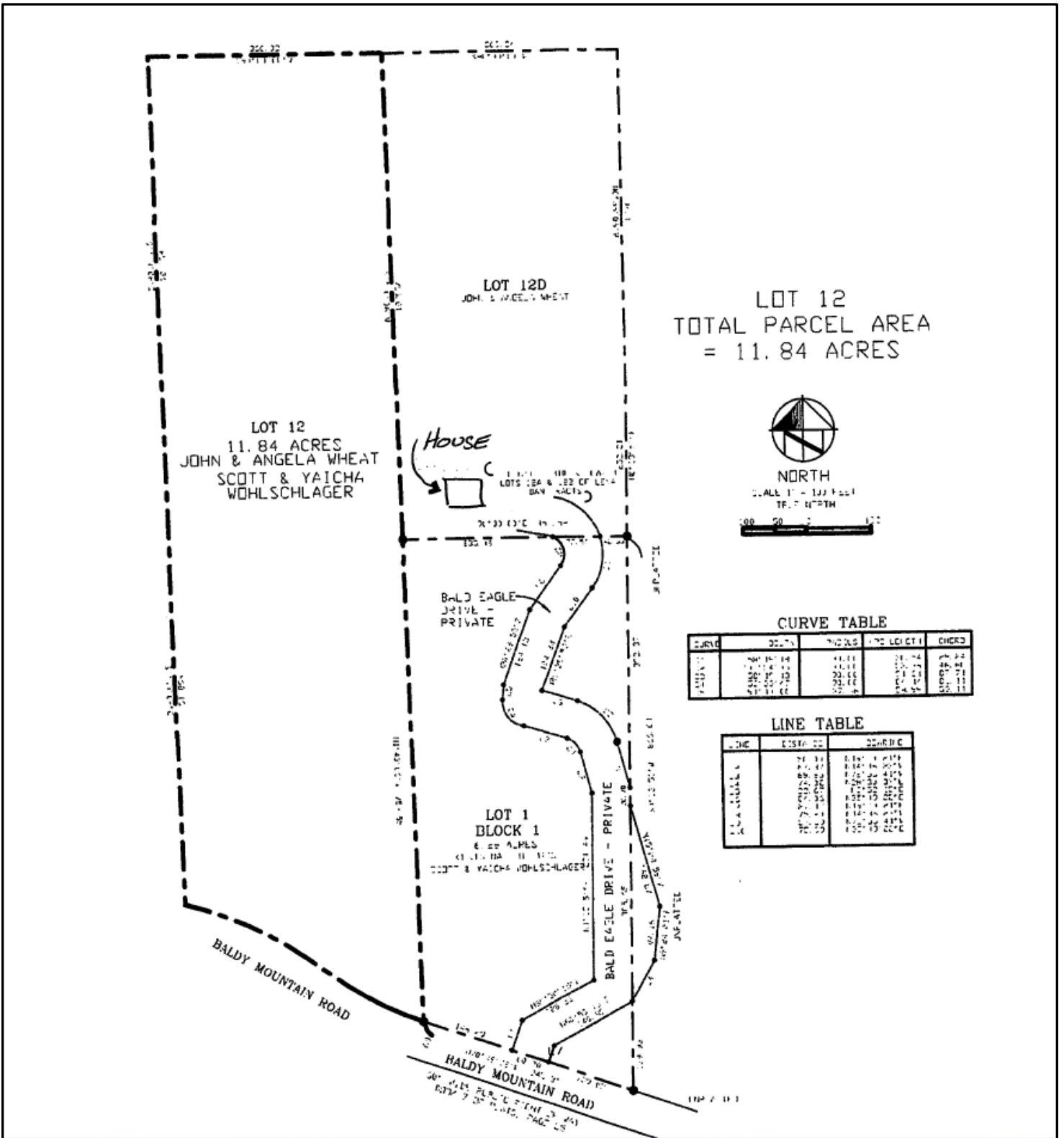


**BONNER COUNTY PLANNING DEPARTMENT
ZONING COMMISSION
STAFF REPORT FOR FEBRUARY 15, 2024**



Project Name: Wohlschlager & Wheat
File Number, Type: ZC0013-23, Zone Change
Request: The applicant is requesting a comprehensive land use plan map amendment from Ag/ Forest to Rural-Residential.
Legal Description: 12-57N-3W LENA DAN TRACTS TAX 1 OF LOT 12
LENA DAN TRACTS LOT 12D REPLAT 2
ECHO SPRINGS BLOCK 1 LOT 1
Location: The proposal is adjacent to Baldy Mountain Road.
Parcel Number(s): RP00246000012BA
RP0024600012D0A
RP041880010010A
Parcel Size: 12.76 acres
6.28 acres
6.28 acres
Applicant: Scott & Yaicha Wolschlager
PO Box 955
Sandpoint, ID 83864
Project Representative: Brian Quayle
Quayle Land Use Consulting
606 South Olive
Sandpoint, ID 83864
Application filed: May 18, 2023
Noticing: Mail: January 16, 2024
Site Posting: January 18, 2024
Published in newspaper: January 16, 2024



Project summary:

The applicants are requesting a Zone Change from Agricultural/Forestry 20 to Rural-5. The lots are 12.76 and (2) 6.28 acres. The properties are zoned A/F-20. The project is located off Baldy Mountain Road in Section 12, Township 57 North, Range 3 West, Boise-Meridian.

Applicable Laws:

The following sections of BCRC, Title 12, apply to this project:

- BCRC 12-210 et seq., - Title Amendments, Comprehensive Plan Amendments and Zone Changes
- BCRC 12-322, Agricultural/Forestry District
- BCRC 12-323, Rural District
- BCRC 12-800 et seq., Definitions

Background:

A. Site data:

- (3) Platted lots
- Size: 12.76 acres and (2) 6.28 acres
- Zone: Agricultural/ Forestry-20
- Use: Rural Residential

B. Access:

- Baldy Mountain Road is a Bonner County owned and maintained 60' wide paved/gravel right of way.
- Bald Eagle Drive is a 60' privately owned and maintained right of way.

C. Environmental factors:

- Site does contain mapped slopes from 0% to 30% and greater. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain mapped waterfront or streams. (NHD)
- Floodplain review- Parcels RP00246000012BA, RP0024600012D0A, RP041880010010A are within SFHA Zone X per FIRM Panel Number 16017C0695E, Effective Date 11/18/2009.

Soils:

- Pend Oreille-Rock outcrop complex, 5 to 45 percent slopes
 - Farmland Classification: Not prime farmland
 - Drainage Class: Well drained
- Pend Oreille silt loam, 5 to 45 percent slopes
 - Farmland Classification: Not prime farmland
 - Drainage Class: Well drained

D. Services:

- Water: Individual well
- Sewage: Individual septic system
- Fire: Westside Fire District
- Power: Northern Lights Inc.
- Natural Gas: Avista Utilities
- School District: Lake Pend Oreille School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	A/F-20	Residential/ 6.28 acres Vacant/ 6.28 acres Vacant/ 12.76 acres
North	Ag/Forest Land	A/F-20	Residential/13.10 acres
East	Rural Residential Ag/Forest Land	Rural-5 A/F-10	Gun Range/110.67acres Residential/ 23.50 acres
South	Ag/Forest Land	A/F-10	Residential/5.24 acres Residential/5.25 acres
West	AG/ Forest Land	A/F-20	Residential/ 32.63 acres

F. Agency Review:

The application was routed to the following agencies for comment on December 29, 2023.

Panhandle Health District	Idaho Department of Water Resources
Bonner County Sheriff	Northern Lights Inc.
Westside Fire District	Bonner County Road & Bridge Department
Avista Utilities	U.S. Forest Service
Lake Pend Oreille School District #84	Area of City Impact: Dover
Lake Pend Oreille School District – Transportation	Idaho Department of Environmental Quality
Idaho Department of Fish and Game	

The following agencies provided comment:

Idaho Department of Water Resources- see attached letter for comment.
Panhandle Health District- see attached letter for comment.

All other agencies did not reply.

As of February 01, 2024 No public comments were received for this file.

Standards Review and Staff Analysis:

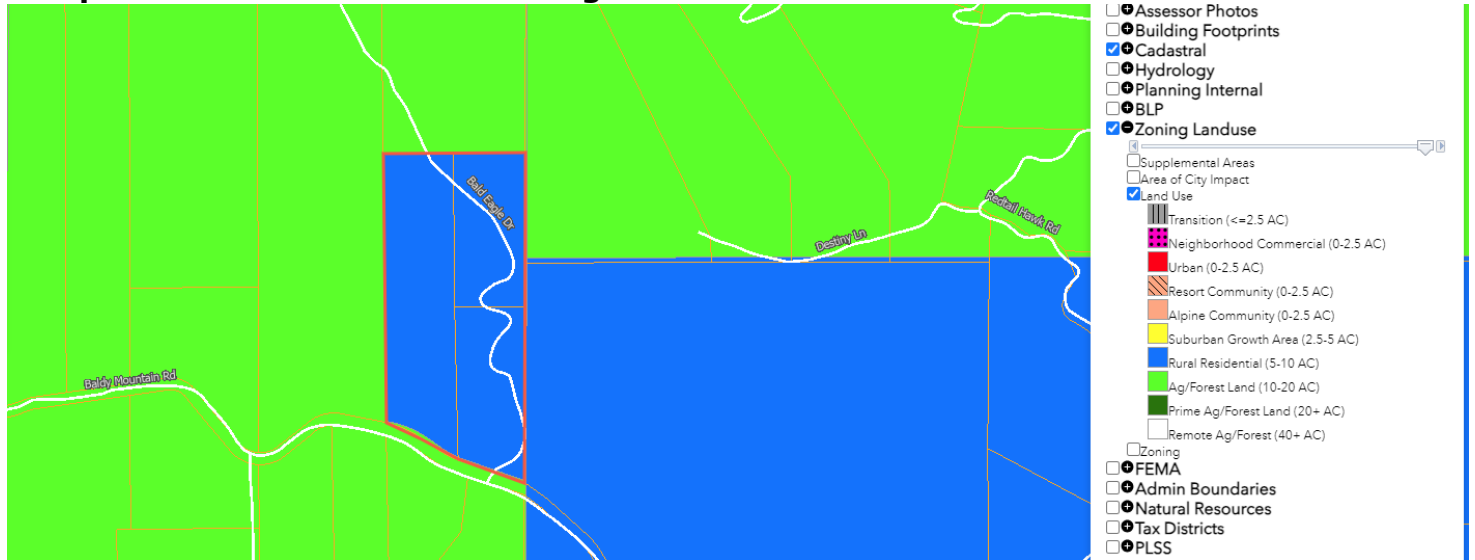
- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents

Staff: The application was considered complete and routed to agencies accordingly.

- **12-216:** Evaluation of Amendment Proposals

Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)

Comprehensive Plan Land Use Designation



Rural Residential:

The Rural Residential area provides for residential development in areas where urban services are not available, and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.

The comprehensive plan land use designation was recently changed from Ag/Forest Land to Rural Residential by Resolution 23-72, recorded on October 3, 2023, and approved by the Board of County Commissioners on October 2, 2023; Bonner County Planning File No AM0010-23.

Current Zoning District: Agricultural/Forestry 20 – BCRC 12-322

A. The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture, or requiring close proximity for the support of agriculture.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan.

The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:

- a. Prime agricultural soils.
- b. Are characterized by agricultural or forestry uses.
- c. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.

Proposed Zoning District: Rural 5 – BCRC 12-323

A. The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:

1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 - a. Characterized by slopes that are steeper than thirty percent (30%).
 - b. Located within critical wildlife habitat as identified by federal, state or local agencies.
 - c. Contain prime agricultural soils.
 - d. Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or appendix A (private roads) of this title or are absent.
 - e. Within the floodway.
 - f. Contain limited access to public services.

2. R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above. (Ord. 501, 11-18-2008)

Comparisons of the Agricultural/Forestry 20 and Rural 5

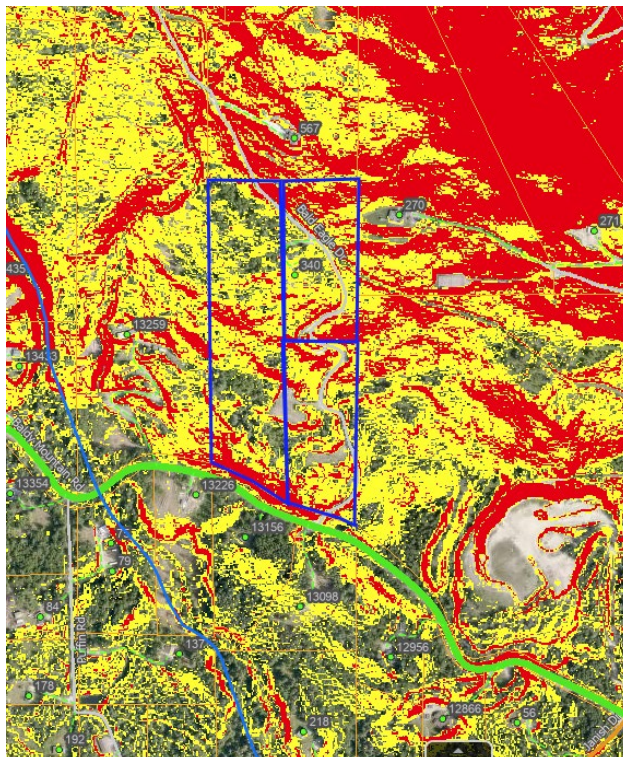
Agricultural/Forestry-20 Standards	Rural-5 Standards
<ul style="list-style-type: none"> • Comprehensive Plan Designation: Ag/Forest Land <ul style="list-style-type: none"> • Prime agricultural soils. • Are characterized by agricultural or forestry uses. • Characterized by slopes steeper than thirty percent (30%) • Access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production. 	<ul style="list-style-type: none"> • Comprehensive Plan Designation: Rural Residential • Developed at or near the one dwelling unit per five (5) acres and/or • Does not meet the criteria for R-10

Prime Agricultural Soils

The parcels have two (2) types of soils; Pend Oreille-Rock outcrop complex, 5 to 45 percent slopes and Pend Oreille silt loam, 5 to 45 percent slopes, both of which are considered to be “not prime farmland”, per the Bonner County Comprehensive Plan Natural Resources Component.

Characterized by Agricultural or Forestry Uses

The parcels are currently being used for forestry uses. Any pursuits of agriculture and forestry remain viable within the Rural 5 zoning districts, as the Rural zoning district allows for small scale forestry and agricultural operations as outlined in BCRC 12-323.



Characterized by slopes steeper than 30%

The parcels do contain slopes between 0-30+%, however, the 30+% slope (red) is minimal. The parcels would be characterized by slopes between 0 and 29.9%. There is approximately 5-acres of 30+% slopes of the approximately combined 27-acres.

Access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production

The properties are located off of Baldy Mountain Road, a 60-foot-wide Bonner County owned and maintained paved public right-of-way, and Bald Eagle Drive, a 60-foot-wide privately owned and maintained gravel road. All roads appear to meet or exceed Appendix A, Private Road Standards.

To the north of the property, there are parcels that are dedicated to ag/forest production, however, the surrounding parcels to the south, west, and east appear to be primarily residential, with some pursuing small farming and forestry activities. The parcels are located within the Area of City Impact (ACI) of Dover, and borders the ACI for Sandpoint.

Comprehensive Plan Designation:

The property has a land use designation of Rural Residential.

Developed at or near the one dwelling unit per five (5) acres

Within 1,200 feet of the subject parcels, sixteen (16) parcels are developed at or near the one dwelling unit per 5-acres. The closest Rural 5 zoning district borders the two (2) 6.28-acre lots. This area is surrounded by Agricultural/Forestry 10, Agricultural/Forestry 20, Rural 5, and Suburban.

Does not meet the criteria for R-10

The parcels are not characterized by slopes of 30+%. There is no critical wildlife habitat on the parcels. The parcels do not contain prime agricultural soils. The parcels are accessed by Baldy Mountain Road, a 60-foot Bonner County owned and maintained public right-of-way, and Bald Eagle Road, a 60 foot privately owned and maintained road. The parcels are not located in a floodway. The parcels are afforded public services, including power, natural gas, EMS, police, individual wells and individual septic systems.

Comprehensive Plan Analysis:

Property Rights

Goal:

1. Protect property rights and enhance property values through conscientious land use planning that complies with state law relevant to all county land use actions.

Objective:

1. Private property should not be taken for public uses without just compensation or due process of law.

2. Impacts to other properties should be taken into account when considering land use proposals, policies and codes.

Staff: The application was routed to neighbors 300' from the property line, informing neighbors of the proposed map amendment. As of February 01, 2024, Bonner County Planning has received letters on how this amendment could impact their property rights.

Population

Goal:

1. Ensure that the impact of demographic changes including generational issues and economic diversity are identified and considered during planning activities and decisions.

Objective:

1. Maintain current and projected county population estimates and utilize this information when making land use decisions.

Staff: Bonner County has received the results of the 2020 census. The data indicates the demand for housing and jobs will continue to trend upward in both the unincorporated and incorporated areas of Bonner County.

School Facilities & Transportation

Goal:

1. Preserve the county's commitment to and ability to provide quality education to the current and future students of Bonner County.

Objective:

1. Ensure that the proposed developments and county land use decisions do not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.
2. The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.
3. Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.
4. Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

Staff: Lake Pend Oreille School District #84 did not comment as to how an increase in density and development could affect the schools and how future funding could benefit the system. Lake Pend Oreille School Transportation that serves the property was notified of the proposed zone change and did not comment.

Economic Development

Goal:

1. Support and encourage economic development.

Objective:

1. Support small businesses such as markets, restaurants, recreational activities, campgrounds, and marinas that provide services which support resort residents and visitors in their local communities.
2. Enable development of small-scale cottage industries and home-based occupations while protecting the surrounding areas from adverse impacts.
3. Policies regarding economic development activities should seek to mitigate the impacts of such factors as noise, light glare, odors, fumes and vibrations on the surrounding community.
4. Support local economic development by increasing support for outdoor recreation in Bonner County. Encourage and protect public access to public lands and water, campgrounds, and recreational areas.
5. Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

Staff: Bonner County Revised Code allow for properties in the Rural Residential designation to pursue actives that could add to the economic diversity of the county.

Land Use

Goal:

1. Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to enable the community to grow while retaining its rural character and protecting its unique natural resources.

Objective:

1. Bonner County should develop and maintain a future land use map and land use codes that acknowledge and protect its agricultural, timber and mining lands, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.
2. Encourage clustered development for medium and large scale commercial and industrial uses.
3. Commercial and industrial uses should be located and operated in a manner to ensure the protection of our natural resources including clean air and water, dark skies, and overall environmental quality and rural character of Bonner County.

Staff: The proposed zone change from Agricultural/Forestry 20 to Rural-5 is compatible with surrounding land uses. Additionally, the property will not adversely impact natural resources as Bonner County Code requires that setbacks be met to all mapped wetlands, streams or other environments features that might be found on the

property. Rural 5 zoning allows parcels in this district to maintain rural character (i.e. 5+ acre parcels and farming and forestry pursuits) while also providing opportunity for the area to grow.

Natural Resources

Goal:

1. Protect, enhance and maintain the County's natural resources such as air, water, forest, minerals, plants and wildlife for long-term benefits to the public.
2. Acknowledge and consider agency comments regarding natural resources.

Objective:

1. Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.
2. Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.
3. Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

Staff: These properties do not contain any mapped water features or critical wildlife. Furthermore, Bonner County Revised Code has requirements to ensure that natural resources are protected.

Hazardous Areas

Goal:

1. Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.
2. Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.
3. Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

Objective:

1. Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.
2. Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.

3. Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

Staff: The subject property is not located in a mapped floodplain. Potential damage to property or people due to soil erosion or avalanches are minimal. Furthermore, the properties are afforded emergency services.

Public Services, Facilities & Utilities

Goal:

1. Future development approvals should require adequate services and should not adversely impact the services or utilities of the utility provider.
2. Require adequate public services, facilities, and utilities in future development approvals.

Objective:

1. New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance, power and emergency services, water and other public or private services.
2. Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services, required by the proposed development.
3. Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

Staff: This proposal is not for development. However, the proposal is currently developed with the aforementioned services. Any expansions to these services the applicant will need to obtain proper permitting through the appropriate agencies that govern these services. In addition, the proposal is afforded emergency services.

Transportation

Goal:

1. Provide a transportation system that is safe, uncongested, and well maintained.

Objective:

1. Future development should not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
2. Roads within new development should be built to county standards and at the expense of the developer.
3. Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.
4. Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.

5. To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.
6. Bonner County intends for certain intense land use developments to provide paved roads.
7. Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.
8. To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

Staff: The applicant's properties are currently within a network of public roads that are constructed and maintained by Bonner County Road and Bridge Department and meeting appendix A.

Recreation

Goal:

1. Protect and encourage public and private recreational opportunities as an important asset that supports a key segment of the County's economy.

Objective:

1. Ensure public legal recreational accesses and amenities are not obstructed or adversely impacted by future development.

Staff: Current recreational opportunities for the general public that are available in Bonner County are anticipated to remain the same with this zone change.

Special Areas or Sites

Goal:

1. To protect, preserve and maintain special areas and sites both natural and manmade in relation to land use.

Objective:

1. Future developments should not adversely affect or destroy culturally or ecologically sensitive sites.

Staff: This goal appears unaffected by this proposal.

Housing

Goal/ Objective:

1. Provide an environment that enables opportunities for diverse housing needs.

Staff: If this request is approved this could allow for the possibility to create additional housing in Bonner County.

Community Design

Goal:

1. To enable a variety of lifestyles while maintaining the rural character in the future development of Bonner County.

Objective:

1. New development should be located in areas with similar densities and compatible uses.
2. The adverse impacts of new development on adjacent areas should be minimized.
3. Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

Staff: This request is not for development; however, the proposal is in keeping of the rural residential designation. These parcels were originally created when these properties were designated rural before the adoption of the 2008 comprehensive map. The area has several parcels in proximity to this proposal that meet the rural residential and the Rural 5 designation.

Agriculture

Goals/ Objectives:

1. Protect the rural character and agricultural heritage of Bonner County by retaining large and small scale commercial agriculture and hobby farms as viable uses.
2. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.
3. Develop policies to discourage fragmentation of very large productive agricultural lands.

Staff: The subject lots do not contain prime agricultural soils, making it more difficult for farming and agricultural activities. The Rural 5 district encourages small scale farming and agricultural pursuits but focuses primarily on Residential purposes.

The proposal was reviewed against the implementation component of the comprehensive plan as found above.

Staff Analysis:

Staff analysis is based upon the information found in the 'Background' portion of this staff report, the comprehensive plan implementation component, and the land use component of the comprehensive plan.

Planner's Initials: AF

Date: February 01, 2024

Note: The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

ZONING COMMISSION

MOTION TO APPROVE: I move to recommend, to the Board of County Commissioners, approval of this project, FILE ZC0013-23, requesting a zone change from Agricultural/Forestry 20 to Rural 5, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law [REFER TO FOLLOWING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS], and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in the taking of private property.

Zone Change Findings of Fact:

1. The site does contain mapped slopes that range from 0 and up to 30% and greater. The mapped slopes of 30% and greater are not the prevailing character of this proposal.
2. The proposal is adjacent to Baldy Mountain Road, a Bonner County owned and maintained paved/ gavel right of way.
3. The proposal is not within a mapped critical wildlife habitat.
4. Per the applicant, the proposal is served by individual well and septic system.
5. Natural gas is provided by Avista Utilities and electricity is provided by Northern Lights Inc.
6. The properties are within the Westside Fire District.
7. Law enforcement services are afforded to the subject lots by the Bonner County Sheriff's Department.
8. The proposal is within the City of Dover's area of city impact.
9. Currently the proposal is developed with a single-family dwelling.
10. The properties' comprehensive plan designation were changed from Ag/Forest Land to Rural Residential on October 03, 2023, through Bonner County Resolution 23-72, Bonner County Planning file number AM0010-23.

Zone Change Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposal **is/is not** in accord with the elements of the Bonner County Comprehensive Plan.

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **is/is not** found to be in compliance.

Conclusion 3

The proposal **is/is not** in accord with the purpose of the Rural Residential comprehensive land use designation.

BOARD OF COUNTY COMMISSIONERS

MOTION TO DENY: I move recommend, to the Board of County Commissioners, denial of this project, FILE ZC0013-23, requesting a zone change from Agricultural/Forestry 20 to Rural 5, based upon the following conclusions: [REFER TO FOLLOWING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS AND FAILS TO MEET]. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in the taking of private property.

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online prior to the scheduled hearing at www.bonnercountyid.gov Bonner County Revised Code (BCRC) is available at the Planning Department or online.